



APPLICATION ACCEPTED: October 25, 2013  
DATE OF PUBLIC HEARING: January 15, 2014  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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January 8, 2014

### STAFF REPORT

#### SPECIAL PERMIT APPLICATION NO. SP 2013-LE-094

#### LEE DISTRICT

**APPLICANT:** Veronica Garcia Barios

**OWNERS:** Veronica Garcia Barios and Luis El Garcia

**LOCATION:** 4203 Javins Drive, Alexandria 22310

**SUBDIVISION:** Ridge View

**TAX MAP:** 82-3 ((10)) (E) 4

**LOT SIZE:** 11,624 square feet

**ZONING:** R-3

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit reduction in minimum yard requirements based on an error in building locations to permit addition to remain 8.3 ft. from a side lot line.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

*O:\ehaley\1-15-14) SP 2013-LE-094 Barios (Error)\SP 2013-LE-094 Barios SR.docx*

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Erin M. Haley

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

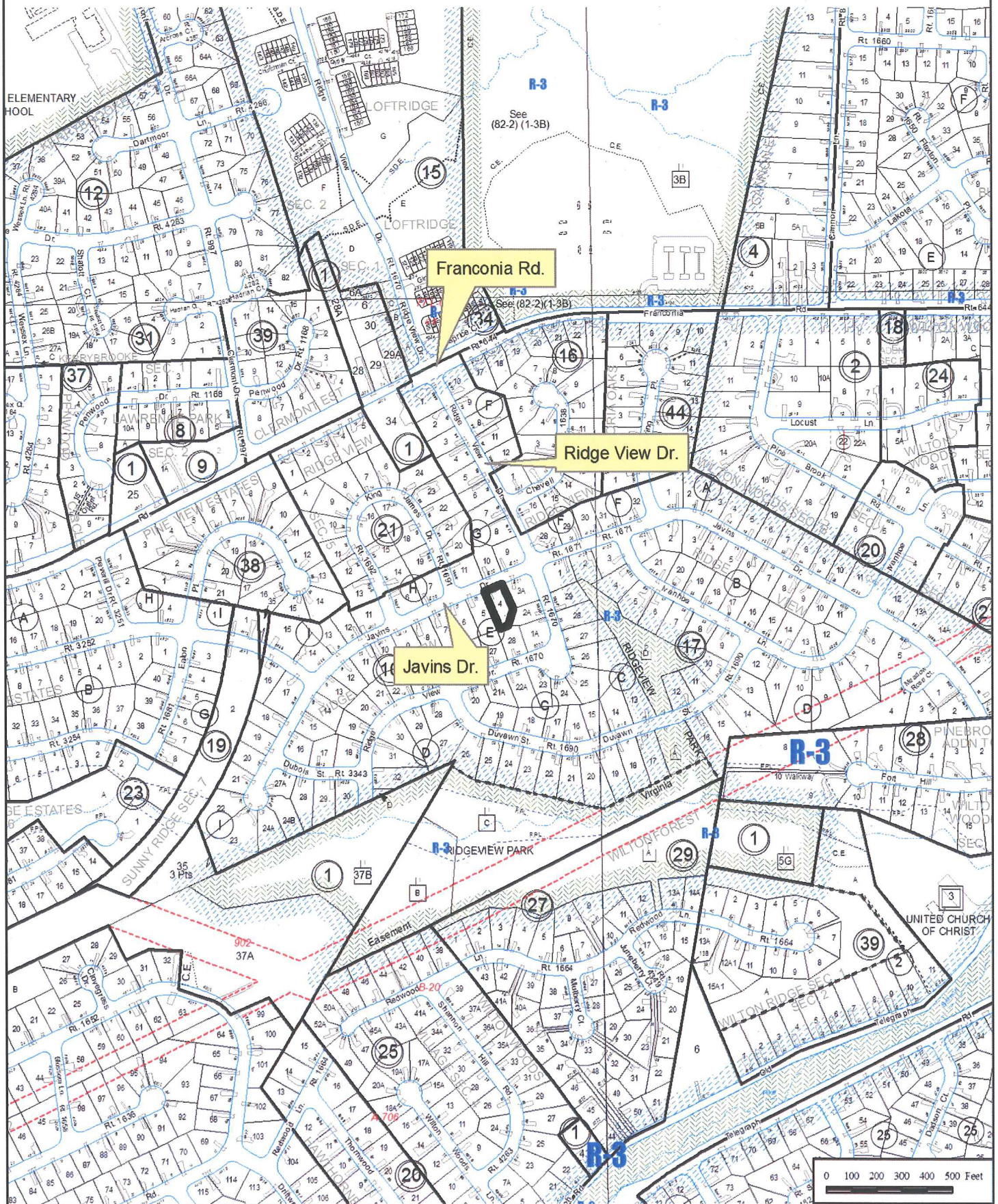


**Special Permit**  
**SP 2013-LE-094**  
**VERONICA GARCIA BARIOS**





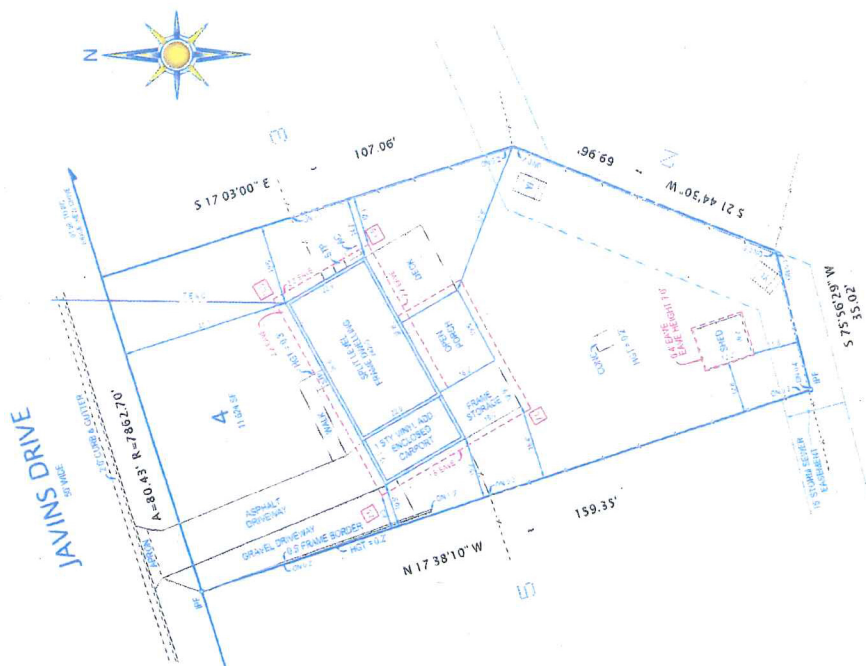
**Special Permit**  
**SP 2013-LE-094**  
**VERONICA GARCIA BARIOS**





NOTES

1. TAX MAP 0822 HE 0004
2. ZONE R-3
3. LOT AREA 11,624 SF
4. REQUIRED YARDS  
FRONT = 30.0 FEET  
SIDE = 12.0 FEET  
REAR = 25.0 FEET
5. HEIGHTS  
EX. OBELLING = 19.0 FEET  
DECK = 3.7 FEET  
STORAGE = 12.8 FEET  
SHED = 9.6 FEET  
FENCES = 11.2 FEET TOTAL (ON BLOCKS 10 HIGH)  
3.3 FEET
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY
10. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY
11. AREAS  
EX. BASEMENT = 423 SF  
EX. FIRST FLOOR = 889 SF  
EX. ENCLOSED CARPORT = 277 SF  
EX. GROSS FLOOR AREA = 1,589 SF
- EX. FLOOR AREA RATIO EX. GFA (1589) / LOT AREA (11624) = 0.14
12. EAVE HEIGHTS TO EXISTING GRADE ARE SHOWN THIS
13. NORTH IS RECORD IN NORTH



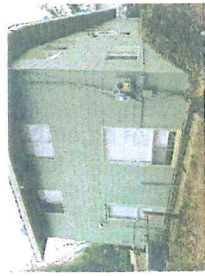
PLAT  
SHOWING IMPROVEMENTS ON  
LOT 4, SECTION 3, BLOCK 6  
**RIDGE VIEW**  
FAIRFAX COUNTY, VIRGINIA  
DATE OF SURVEY: AUGUST 12, 2013  
SCALE: 1" = 30'

FAIRFAX COUNTY, VIRGINIA  
COMMISSIONER OF PLANNING  
THOMAS C. LYNCH  
JULY 2013

NOVA  
NORTH VIRGINIA  
4000 BUCKLE DRIVE  
FAIRFAX, VA 22031  
TEL: 703-246-5000  
FAX: 703-246-5008



FRONT OF DWELLING (REAR VIEW)



LEFT SIDE OF DWELLING (REAR VIEW)



LEFT SIDE OF DWELLING (REAR VIEW)



LEFT SIDE OF DWELLING (REAR VIEW)



MIDDLE OF DWELLING (REAR VIEW)



REAR OF DWELLING (REAR VIEW)



LEFT SIDE OF DWELLING (REAR VIEW)



LEFT SIDE OF DWELLING (REAR VIEW)



LEFT SIDE OF DWELLING (REAR VIEW)



MIDDLE OF DWELLING (REAR VIEW)



LEFT SIDE OF DWELLING (REAR VIEW)



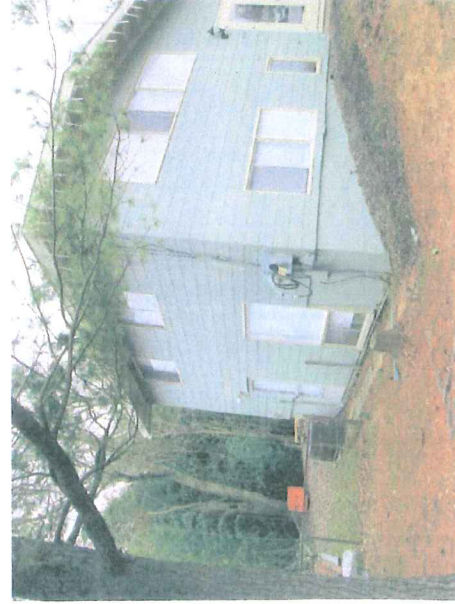
NOTES: 1. FENCES ARE CHAIN LINK



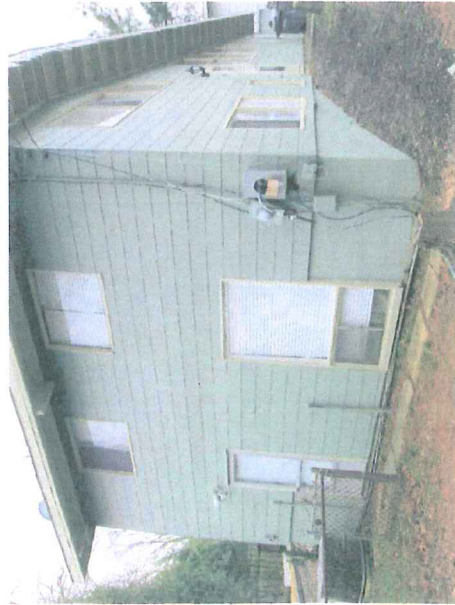
FRONT OF DWELLING 12/21/2012



FRONT OF DWELLING 12/21/2012

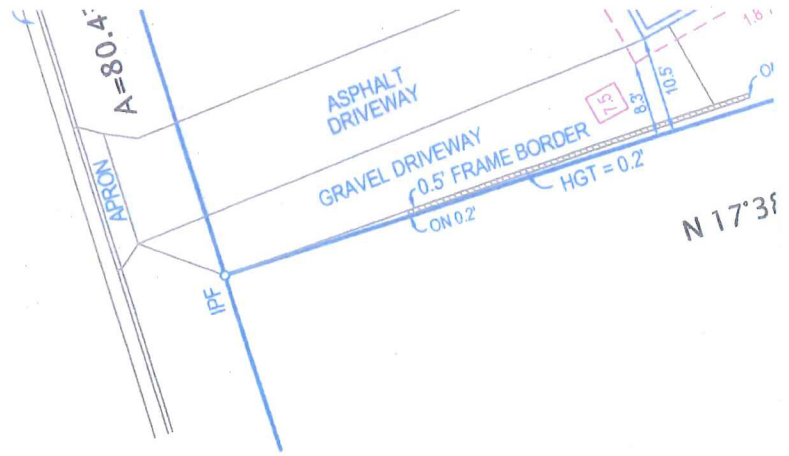


LEFT SIDE OF DWELLING 12/21/2012



LEFT SIDE OF DWELLING 12/21/2012

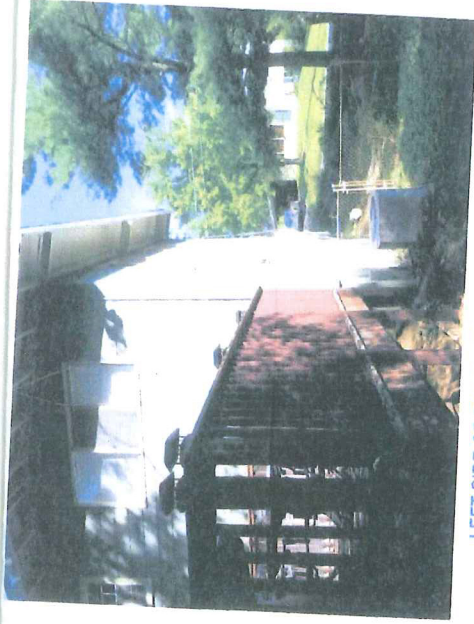
JAVINS  
50' WIDE





5'10" W  
11.0'  
ON 0.4  
159.35'

15' STORM S  
EASEMENT



LEFT SIDE OF DWELLING 8/05/2013 (FROM REAR)



LEFT SIDE OF DWELLING 8/05/2013 (FROM FRONT)



RIGHT REAR OF DWELLING 08/05/2013



RIGHT SIDE OF DWELLING 12/21/2012 (FROM FRONT)



SHED 08/05/2013





NOTES: 1. FENCES ARE CHAIN LINK.



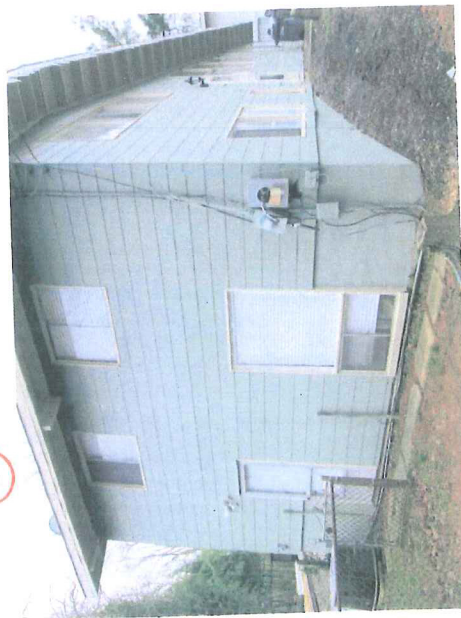
1 FRONT OF DWELLING 12/21/2012



3 LEFT SIDE OF DWELLING 12/21/2012



2 FRONT OF DWELLING 12/21/2012



4 LEFT SIDE OF DWELLING 12/21/2012

1

JAVINS DRIV  
50' WIDE

8' BRICK  
A=80.43' R=78

APRON

IPF

ASPHALT DRIVEWAY

GRAVEL DRIVEWAY  
0.5' FRAME BORDER

ON 0.2

HGT = 0.2

N 17°38'10"

1 STY ENCLC  
CARPORT

1.8' EAVE

ON 1.0'

2

5





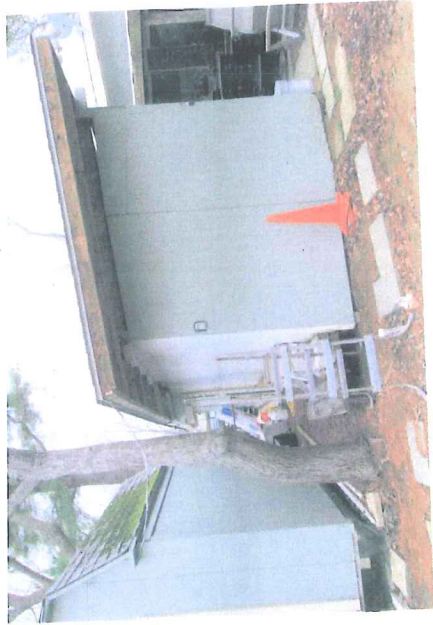
5 RIGHT SIDE OF DWELLING 12/21/2012 (FROM FRONT)



7 REAR OF DWELLING 12/21/2012



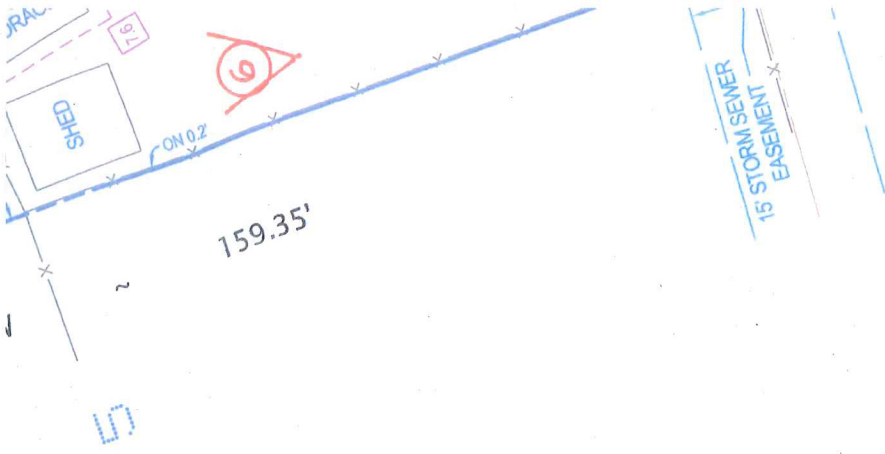
8 RIGHT REAR OF DWELLING 12/21/2012



6 RIGHT SIDE OF DWELLING 12/21/2012 (FROM REAR)



9 LEFT REAR OF DWELLING 12/21/2012







## DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit to allow a reduction to minimum yard requirements based on an error in building location to permit an addition to remain 8.3 feet from the southwestern side lot line. The addition is the enclosure of a one-story carport into a family room. A minimum side yard of 12.0 feet is required; therefore a reduction of 3.7 feet is requested.

A copy of the special permit plat depicting the structures on site, titled "Plat Showing Improvements on Lot 4, Section 3, Block E, Ridge View," prepared by Thomas G. Lutke of NoVA Surveys, dated August 5, 2013, is included at the front of the staff report.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 11,624 square foot lot is developed with a split-level frame single family detached dwelling, constructed in 1957. An asphalt and gravel driveway provides access to the dwelling from Javins Drive. A stone walkway leads from the driveway to the front door. An open deck and porch are located at the rear of the dwelling, along with an enclosed storage area approximately 206.4 square feet in size and 9.0 feet in height. A shed 11.2 feet in height and approximately 124.4 square feet in size is located in the rear yard. A storm sewer easement 15.0 feet in width runs across the southern rear yard lot line. Two yard inlets are located in the easement area. A chain link fence 3.3 feet in height encloses the rear yard. The property has a lawn with shrubs and mature trees.

As depicted in the picture below, the application property and surrounding lots are developed with single family detached dwellings. All are zoned R-3 and are within the Churchill subdivision.



## **BACKGROUND**

According to Fairfax County Tax Records the applicants purchased the property in September of 2012. On October 16, 2012, County staff inspected the property and discovered several violations relating to the enclosed carport. A Corrective Work Order was issued on October 24, 2012 and is attached as Appendix 4. On October 26, 2012, the applicants requested an administrative reduction of the minimum required side yard for the location of the enclosed carport. On November 8, 2012, the Zoning Administrator denied the request and said that a special permit would be required for the addition to remain in that location. The request and the response of the Zoning Administrator are contained in Appendix 5. No building permits were found for the construction of the enclosed carport.

A copy of information outlining similar special permit and variance requests in the area is attached in Appendix 6.

## **ZONING ORDINANCE REQUIREMENTS**

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 7. Subject to development conditions, the special permit must meet these standards.

## **CONCLUSION**

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Corrective Work Order
5. History of Request for Administrative Reduction of Minimum Yard Requirements
6. Similar Case History
7. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2013-LE-094**

**January 8, 2014**

1. This special permit is approved for the location of the addition (enclosed carport), as shown on the plat prepared titled, "Plat Showing Improvements on Lot 4, Section 3, Block E, Ridge View," prepared by Thomas G. Lutke of NoVA Surveys, dated August 5, 2013.
2. All applicable permits and final inspections shall be obtained for the addition (enclosed carport) within 180 days of approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.



Application No.(s): SP 2013-LE-094  
 (county-assigned application number(s), to be entered by County Staff)

## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 6/18/13  
 (enter date affidavit is notarized)

I, Veronica Garcia Barios also known as Veronica A. Garcia, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one) ☒ applicant  
☐ applicant's authorized agent listed in Par. 1(a) below

120073

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Veronica Garcia Barios, also known as Veronica A. Garcia	4203 Javins Drive Alexandria, VA 22310	Applicant/Title Owner
Luis Cirbian-Garcia, also known as Luis E. Garcia	(same)	Title Owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



Application No.(s):

SP 2013-1E-094

(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

6/18/13

(enter date affidavit is notarized)

120073

- 1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2013-LE-094

(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

6/18/13

(enter date affidavit is notarized)

120073

- 1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2013-LE-094

(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

6/18/13

(enter date affidavit is notarized)

120073

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.



Application No.(s): SP 2013-LE-094  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 6/18/13  
(enter date affidavit is notarized)

120073

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[Signature]  
☒ Applicant

☐ Applicant's Authorized Agent

Veronica Cecilia Barrios  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18th day of June, 2013, in the State/Comm. of Virginia, County/City of Arlington.

Denesa C Jones  
Notary Public

My commission expires: July 31, 2015



APPENDIX 3

RECEIVED  
Department of Planning & Zoning  
AUG 16 2013  
Zoning Evaluation Division

February 13, 2013

To: Zoning Evaluation Division  
12-55 Government Center Parkway, Suite 807  
Fairfax, Va. 22035

Ref: 4203 Javins Drive  
Ridge view, Sec. 3, Blk. E  
Tax Map: 82-3 ((10)) (E) 4  
Zoning District: R: 3

To Whom It May Concern:

I would like to address your comments in the letter, dated November 8, 2012, concerning the Special Permit Application for Veronica Garcia Barrios, owner of 4203 Javins Dr., Alexandria Va. 22310

With regards to Zone R-3, please note that:

The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building. Subsequent to the issuance of Building Permit, if such was required. Such reduction will not impair the purpose and intent of this Ordinance, and it will not be detrimental to the use and enjoyment of other property in the immediate vicinity. It will not create an unsafe condition with respect to both other property and public streets, and to force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.

Also, the reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

If you have any questions, please feel free to contact me. Thank you very much for your kind assistance on this matter.

Sincerely,

  
Erick D Garcia  
AGENT

August 19, 2013

Ms. Virginia H. Ruffner, Planner HI  
Application Acceptance Section, ZED, DPZ  
Dept. of Planning and Zoning  
12055 Government Center Parkway, Ste 801  
Fairfax, Virginia 22035

RECEIVED  
Department of Planning & Zoning  
AUG 16 2013  
Zoning Evaluation Division

Ref: SP 2013-0062

Dear Ms. Ruffner:

We are completing the submission requirements for a special permit based on your letter on March 14, 2013.

5. We decided to close-in the already existing carport that had a back wall which had storage in the rear side of the carport. The carport area already had a concrete floor when purchased; so we decided to extend our living area and build into the already existing perimeter of the carport and converted it into a family room; therefore two walls and windows were added to the existing roof.

5.08 We had leftover used engine car oil in our property at the time of the inspection. We removed it by disposing it in the waste tank of the car dealer where I work.

5.09 We build the proposed development based on the already existing carport concrete floor and roof; therefore the provisions for this construction (new addition) would have been complied with all ordinances. Unfortunately, we made a mistake not to get a building permit to turn the carport into a living area; the regulations require a setback of 12 feet from the limit of the property and I have 10 feet and 6 inches in the south east corner of the house to the property line, but this extension is only for 8 feet long where is 12 feet setback making the area inside the setback of 5.8 square feet.

6.00 We are providing a notarized agent authorization for Erick Garcia in a Fairfax County Form.

7.00 Attached is an 8 1/2" x 11" reduction of the updated special permit plat.

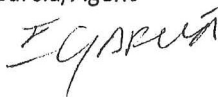
911.00 We are providing 10 copies of the updated plat 24x36 in and the scale is not less than 1 in = 50FT and it is sealed by a Licensed surveyor Thomas G. Lutke.

911.04 In the plat we are providing dimensions for shed and storage and we the hot tub has been removed from property.

911.05 Surveyor provided dimensions for shed eaves, setback dimension to lot line and also provided setback from dwelling eave to eastern side lot line.

912.00 The enclosed construction we did was based on the existing carport concrete floor and roof and the error in building location was the southeast corner of the structure where 1.6 feet got into the lateral setback in an extension of 8 feet making a triangle area of 5.8 sq ft., because the construction is not parallel to the limits of the property line.

Erick Garcia/Agent



RECEIVED  
Department of Planning & Zoning

OCT 22 2013

Zoning Evaluation Division

October 21, 2013

Virginia H. Ruffner, Planner II  
12055 Government Center Pkwy, Ste 801  
Fairfax, Va 22035

Re: Special Permit- Veronica Garcia Barrios  
File: SP 2013-0062

Dear Ms. Ruffner:

This is a reply to your submission requirements on behalf of Veronica Garcia Barrios.

- 3.00 Attached are the photos with labels and directions from which they were taken.
- 5.08 None hazardous or toxic substances as set forth in title 40, code of federal regulations parts 116.4, 302.4, and 355; all hazardous waste as set forth in commonwealth of Virginia department of waste management regulations VR 672-10-1- Virginia hazardous waste management regulations; and/or petroleum products as defined in title 40, code of federal regulations part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.
- 5.09 All the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought by the applicant, such shall be specifically noted with the justification for this modification.

Sincerely,



Erick Garcia/ Agent

SP 2013 - 0062





# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

## CORRECTIVE WORK ORDER Virginia Uniform Statewide Building Code

**DATE OF ISSUANCE:** October 24, 2012

**METHOD OF SERVICE:** OFFICE OF THE SHERIFF

**LEGAL NOTICE ISSUED TO:** Veronica Garcia Barios  
Luis Garcia-Cirbian

**ADDRESS:** 4203 Javins Dr.  
Alexandria, VA 22310

**LOCATION OF VIOLATION:** 4203 Javins Dr.  
Alexandria, VA 22310-2040

**TAX MAP REF:** 0823 10E 0004

**CASE #:** 201207304 **SR#:** 88768

In accordance with Part I of the Virginia Uniform Statewide Building Code (USBC) 2009 Edition, effective March 1, 2011, an inspection on October 16, 2012 revealed a violation or violations as listed below at the referenced location. The cited violation(s) must be corrected within 30 calendar days from receipt of this notice unless otherwise indicated.

**Explanation:** On October 16, 2012, County staff inspected the above referenced premises and discovered several violations, as listed: (a) interior and exterior alterations to convert existing carport into a habitable room; (b) interior alterations to the kitchen electrical wiring, multiple circuits; (c) rear patio roof built; (d) shed and storage area behind existing carport has electrical wiring and circuits-ran. All of this regulated work was performed without the issuance of the required permit or permits, inspections, and approvals.

**Order:** Pursuant to *Section 108.1 When applications are required*, and *Section 113.3 Minimum Inspections*, of the USBC, 2009 edition, you are hereby directed to apply for and obtain the required permit or permits, inspections and approvals for the work described above or demolition of same at the above referenced address.

---

Department of Code Compliance  
12055 Government Center Parkway, Suite 1016  
Fairfax, Virginia 22035-5508  
Phone 703-324-1300 FAX 703-324-9346  
[www.fairfaxcounty.gov/code](http://www.fairfaxcounty.gov/code)

Veronica Garcia Barios  
Luis Garcia-Cirbian  
October 24, 2012  
Page 2

**Corrective Action Required:** Apply for and obtain all necessary County permits for the work described above within 30 calendar days from the date you receive this Order, or obtain a County permit to demolish the work described above within the same timeframe.

1. Schedule and pass the required County inspection(s) for the work described above within 30 calendar days from the date you are issued the required permit or permits for construction or demolition.
2. Contact me at (703)324-9329 within the timeframe established to confirm the violation(s) have been abated.
3. Call (703)222-0455 to schedule all building inspections related to this matter. Please reference CASE #: 201207304.

Note:

\*When work described above involves construction of an addition or an accessory structure, a certified plat must be submitted along with a building permit application to the Permit Application Center. This plat must indicate the location, dimensions, and height of all existing and proposed structures as well as indicated distance to the respective lot lines. This plat must be prepared, sealed and signed by a professional licensed with the state of Virginia to do so.

Permit Application Center  
The Herrity Building  
12055 Government Center Parkway, 2nd Floor  
Fairfax, Virginia 22035  
Telephone: 703-222-0801

\*When work described above involves the removal of unpermitted features (including appliances, cabinets, plumbing/gas fixtures) a demolition permit will be required. Be advised that any zoning ordinance violations contained in a separate Notice of Violation must also be corrected prior to or in conjunction with the issuance of a demolition permit. If you have received a Zoning Notice of Violation, contact the inspector from the Department of Code Compliance at (703)324-1300 who issued the Notice before coming to the Permit Application Center in the Herrity Building to obtain your permit. When coming to obtain your permit, bring this notice with you.

You are directed to notify Ricky Antonowics by return correspondence to 12055 Government Center Parkway, Suite 1016 Fairfax, VA 22035 or telephone call to (703)324-9329 within three (3) working days from the date you receive this Order, of your election to accept or reject the terms of this Order. Failure to do so shall result in the immediate issuance of a Notice of Violation and the initiation of legal action to bring the above referenced property into compliance with the USBC.



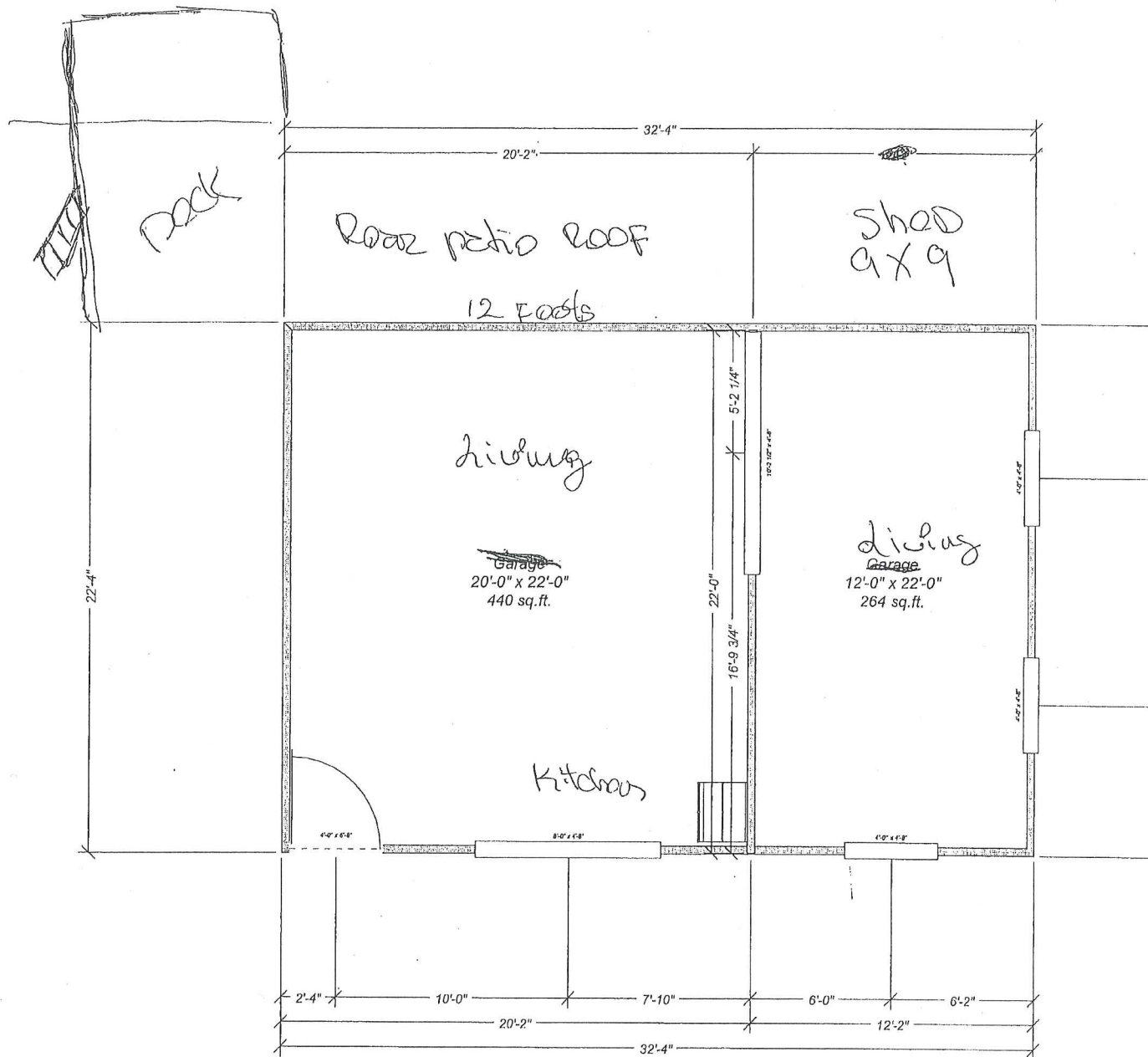
Veronica Garcia Barios  
Luis Garcia-Cirbian  
October 24, 2012  
Page 3

If you have any questions, would like to schedule an appointment to meet with me, or to schedule a site visit, please contact me directly at (703)324-9329 or the main office at (703)324-1300.

Notice Issued By: Ricky Antonowics  
Technical Assistant to the Building Official  
Department of Code Compliance

Signature: 

CC: Case File  
Chuck O'Donnell, Residential Inspections Branch Chief







## County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

### Via U.S. Mail

November 8, 2012

Veronica Garcia Barrios  
4203 Javins Drive  
Alexandria, VA 22310

RE: 4203 Javins Drive  
Ridge View, Sec. 3, Blk. E  
Tax Map: 82-3 ((10)) (E) 4  
Zoning District: R-3



Dear Ms. Garcia Barrios:

This is in response to your submission of October 26, 2012 requesting an administrative reduction of the minimum required side yard for the existing single family detached dwelling located at the referenced property. You have indicated that the carport was enclosed during your ownership of the property without issuance of a building permit, and that you are now attempting to obtain building permit approval.

The property is zoned R-3, a district that requires 12-foot minimum side yards. According to the plat and layout submitted with your request, the enclosed carport is located 11 feet from the adjacent side lot line.

Pursuant to Sect. 2-419 of the Zoning Ordinance, the Zoning Administrator has the authority to reduce the minimum required yard for any building wherein the error does not exceed 10% of the measurement involved, was the result of an error in the location of the building subsequent to the issuance of a Building Permit and/or the noncompliance was done in good faith or through no fault of the property owner. As no building permit was issued for the construction and the noncompliance cannot be considered to have been done in good faith, as a duly authorized agent of the Zoning Administrator I have determined that the requirements for an administrative reduction are not applicable and no administrative reduction can be granted.

In order to retain the structure in its current configuration, it may be possible to obtain a special permit for a reduction of certain yard requirements. Special permit applications require the submission of an application, plat, and fee, notification of adjacent property owners, and a public hearing before the Board of Zoning Appeals. For more information on the special permit process, please contact the Zoning Evaluation Division at 703-324-1290.

Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

Department of Planning and Zoning  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505  
Phone 703-324-1314 FAX 703-803-6372  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

# PERMIT APPLICATION

Permit Application Center  
12055 Government Center Parkway  
Suite 230  
Fairfax, Virginia 22035-5504  
703-222-0801, TTY 711  
www.fairfaxcounty.gov/buildingpermits



County use only

Building # 123000065 \$ 90.00  
Mechanical # \_\_\_\_\_ \$ \_\_\_\_\_  
Electrical # \_\_\_\_\_ \$ \_\_\_\_\_  
Plumbing # \_\_\_\_\_ \$ \_\_\_\_\_  
Fire # \_\_\_\_\_ \$ \_\_\_\_\_  
Appliance # \_\_\_\_\_ \$ \_\_\_\_\_  
Plan # H-12-6178

Tax Map # \_\_\_\_\_ Parent # \_\_\_\_\_

## Job Location

Street Address 4203 Jarvis Dr  
Lot Number 4 Building \_\_\_\_\_ Floor \_\_\_\_\_ Suite \_\_\_\_\_  
Tenant's Name \_\_\_\_\_ Subdivision RIDGE VIEW BLKE SEC 3

## Owner Information

Name Venencia Garcia Barrios ☒ Owner ☐ Tenant  
Address 4203 Jarvis Dr  
City Alexandria State VA ZIP 22310  
Phone 703-6098336 Email Barrios-141@hotmail.com

## Contractor Information (see back for additional contractors)

Company Name \_\_\_\_\_ ☐ Same as Owner  
Address \_\_\_\_\_ Contractor ID # \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_  
State Contractor's License # \_\_\_\_\_ County BPOL # \_\_\_\_\_

## Applicant Information

Name Venencia Garcia Barrios Contact ID # \_\_\_\_\_  
Address 4203 Jarvis Dr  
City Alexandria State VA ZIP 22310  
Phone 703-6098336 Email Barrios-141@hotmail.com

## Designated Mechanics Lien Agent (residential only)

Name \_\_\_\_\_ ☐ None Designated  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

## Description of Work

Closed existing carport into habitable space  
Demo section of wall dining room (none load bearing)  
Replace Appliances and kitchen cabinets in Kitch + din room  
rear patio built  
Estimated Cost \$ 25,000 House Type SFH Masterfile Number \_\_\_\_\_

I hereby certify that I have authority to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner, Master or Agent [Signature] Date 10/26/12  
Printed Name Venencia Garcia Barrios Title Owner

## COUNTY USE ONLY

Licensing 12 04/26/12 Health \_\_\_\_\_ Wastewater \_\_\_\_\_  
Zoning \_\_\_\_\_ Site \_\_\_\_\_ Building \_\_\_\_\_  
Approved for issuance by \_\_\_\_\_ Date \_\_\_\_\_ Fee \$ 90.00



PROPERTY ADDRESS

4203 JAVINS DRIVE ALEXANDRIA, Virginia 22310

SURVEY NUMBER

1311

FIELD WORK DATE: 9/13/2012

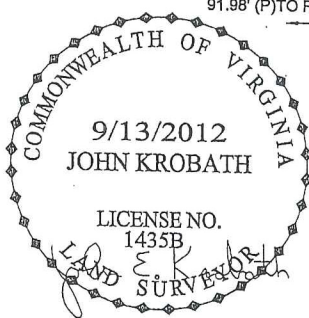
REVISION DATE(S): (rev.2 9/13/2012) (rev.1 9/13/2012)

1208.1055  
LOCATION DRAWING  
LOT 4, BLOCK "E"  
SECTION 3, RIDGE VIEW,  
FAIRFAX COUNTY, VIRGINIA  
09-13-2012 SCALE 1"=30'



30 0 15 30  
GRAPHIC SCALE (In Feet)  
1 inch = 30' ft.

LOT 3



91.98' (P) TO RIDGE VIEW DRIVE

S 17°03'00" E 107.06' (P)

0.7' OFF

14.0'

22.8'

38.8'

41.7'

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LOT 2

LOT 28

S 75°56'29" W  
35.02' (P)

1" FIP

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WOOD  
PATIO

CONG. PATIO

8'x24' SHED

10'x12' SHED

SPLIT FOYER  
FRAME RES.  
# 4203

ASPHALT DRW

R=7862.70' A=80.45' (P)

JAVINS DRIVE

(50' R/W)

NOTES  
NONE VISIBLE

CLIENT NUMBER 81191ANN

DATE 9/13/2012

BUYER: Veronica Garcia Barrios and Luis Garcia-Cirbian

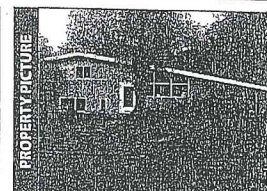
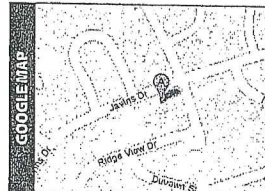
SELLER: Erik O. Quel

CERTIFIED TO: Veronica Garcia Barrios and Luis Garcia-Cirbian; RGS  
Title, LLC; Title Resources Guaranty Company.

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**TITLE**

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**EXACTA**  
Virginia Surveyors, Inc.

LB# 0407005699

www.exactaVA.com  
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5494 Rodriguez Lane | Haymarket, VA 20169

# Similar Case History

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**Group: 96-L-028****SP 96-L-028**

<b>APPLICANT:</b>	KIM, RACHEL
<b>STATUS:</b>	APPLICATION APPROVED
<b>STATUS/DECISION</b>	11/28/1996
<b>DTE:</b>	
<b>ZONING DISTRICT:</b>	R-3
<b>DESCRIPTION:</b>	REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT DWELLING TO REMAIN 1.3 FT. FROM SIDE LOT LINE
<b>LOCATION:</b>	4321 FRANCONIA ROAD
<b>TAX MAP #S:</b>	
<b>0823 21 0001</b>	



## **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

### **8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.



**8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location**

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
  - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of well and/or septic field.
  - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
  - A. The error exceeds ten (10) percent of the measurement involved, and
  - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
  - C. Such reduction will not impair the purpose and intent of this Ordinance, and
  - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
  - E. It will not create an unsafe condition with respect to both other property and public streets, and
  - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
  - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.